

No. 2018-5650

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: OCT 05 2018

Subject Considered:

R & R EXTERIORS
1611 N Interstate 35E Ste 420
Carrollton, Texas 75006-8616

CONSENT CEASE AND DESIST ORDER
TDI ENFORCEMENT FILE NO. 14422

General remarks and official action taken:

The subject of this order is whether a cease and desist order should be issued against R & R Exteriors (R & R).

WAIVER

R & R acknowledges that the Texas Insurance Code and other applicable law provide certain rights. R & R waives all of these rights in consideration of the entry of this consent order.

FINDINGS OF FACT

Roofing Contractor

1. R & R is a roofing business owned by Mark Richardson (Richardson) and located at 1611 N Interstate 35E, Suite 420, Carrollton, Texas 75006. R & R operates a second location at 10440 N Central Expressway, Suite 800, Dallas, Texas 75231.
2. Neither R & R nor Richardson or any employees of R & R hold a public insurance adjuster license or any other license issued by the Texas Department of Insurance.

Unauthorized Practice of Public Insurance Adjusting

3. On May 10, 2017, the department received a complaint alleging R & R engaged in the unauthorized practice of public insurance adjusting.
4. R & R used language describing the acts of a public insurance adjuster on the company's website, www.bestrooferdallas.com, including the following:

- a. "Texas licensed adjuster working with you on your insurance claims";
 - b. "Walk you through the claims process every step of the way, always keeping in mind your unique roofing requirements and style preferences";
 - c. "Ensure that you have a clear understanding of the process at all times, promptly informing you of significant updates or changes to your claim status";
 - d. "Explain to you in plain English what your insurance settlement means"; and
 - e. "Aggressively pursue missing items and/or incorrect settlement pricing from the original adjuster's assessment."
5. R & R admits to the use of the improper language.
 6. R & R admits it contracted with SFY, LLC (SFY), then a non-resident, licensed public insurance adjuster, to create estimates and put together supplements.
 7. In March 2018, SFY surrendered its license, and agreed not to apply for licensure with the department for five years from the effective date of that surrender.
 8. Upon notification by the department, R & R cooperated with the department's investigation. On March 3, 2018, the department confirmed that R & R removed all language referencing the unauthorized practice of public insurance adjusting from its website. R & R agrees to comply with all insurance laws in the future, including not hiring or contracting with a third party to perform the unauthorized acts of public insurance adjusting.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 101.101-101.156, and Ch. 4102.
2. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. R & R engaged in the unauthorized practice of public insurance adjusting, in violation of TEX. INS. CODE § 4102.051 when R & R advertised, solicited business, or held itself out to the public as an adjuster of claims for loss or damage under any policy of insurance covering real or personal property, as contemplated by TEX. INS. CODE § 4102.001(3)(B).
4. R & R violated TEX. INS. CODE § 4102.163(a) by acting as a public adjuster or advertising to adjust claims for any property for which the contractor is providing or may provide roofing services, regardless of whether the contractor holds a license.

It is ordered that R & R Exteriors must cease and desist immediately and in perpetuity from:

- a. performing the acts of a public insurance adjuster or otherwise engaging in acts that constitute the business of insurance in Texas;
- b. making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or by electronic means, on the internet, in an email or via social media, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to performing the acts of public insurance adjuster, which is untrue, deceptive, or misleading, and;
- c. using language in advertisements and/or business forms describing the acts of a public insurance adjuster or any activities related to conducting the unauthorized practice of public insurance adjusting or the business of insurance in Texas.

It is further ordered that R & R Exteriors must pay an administrative penalty of \$5,000 within 30 days of the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas" and sent to the Texas Department of Insurance, Attn: Enforcement Section, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



Kent C. Sullivan
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Elissa Mazza
Staff Attorney, Enforcement Section
Texas Department of Insurance

